

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ENTERED

NOV 24 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

IN RE: SERZONE
PRODUCTS LIABILITY LITIGATION

MDL NO. 1477

THIS DOCUMENT RELATES TO ALL CASES

ORDER

Pending before the court is the Joint Motion of Counsel to File an Amended Settlement Agreement [Docket # 172]. The court **FINDS** that the Amended Settlement Agreement incorporates non-substantive changes that reflect the parties' conformance of the Settlement Agreement dated October 15, 2004 to the court's order dated November 18, 2004, which conditionally certifies the settlement class and preliminarily approves the settlement agreement. The court further **FINDS** that the Amended Settlement Agreement is identical in all material respects and equivalent to the Settlement Agreement dated October 15, 2004. Accordingly, for purposes of the court's order dated November 18, 2004 regarding attorneys' fees, the court **FINDS** that the appropriate cut-off date, after which contingency fee agreements will not be enforced, remains October 15, 2004. The court **GRANTS** the Joint Motion of Counsel to File the Amended Settlement Agreement.

The court **DIRECTS** the Clerk to send a copy of this Order to Defendant's Liaison Counsel and Plaintiffs' Liaison Counsel.

ENTER: November 24, 2004


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE